

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STEELWORKERS OF AMERICA,
ET AL.,

Case No. 05-73516

Plaintiffs,

Honorable Nancy G. Edmunds

v.

DSC LTD - TRENTON PLANT, ET AL.,

Defendants.

**ORDER CANCELLING HEARING AND DENYING PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT [18]**

This matter is before the Court on Plaintiffs' motion for default judgment. The Court finds that the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. Mich. L.R. 7.1(e)(2), it is hereby ORDERED that the motion be resolved as submitted. The hearing previously scheduled for April 11, 2006 at 2:00 p.m. is hereby CANCELLED.

Plaintiffs' motion for default judgment is DENIED because it fails to satisfy the requirements of Federal Rule of Civil Procedure 55. Pursuant to Rule 55, prior to entry of a default judgment under Rule 55(b), Plaintiffs must have first submitted proof of the alleged failure to plead or defend to the Clerk, and must obtain an entry of default by the Clerk under Rule 55(a). *United Coin Meter Co., Inc. v. Seaboard Coastline Railroad*, 705 F.2d 839 (6th Cir. 1983). See generally, 10A Charles A. Wright, Arthur R. Miller, and Mary Kay Kane, *Federal Practice and Procedure: Civil 3d* § 2682 (West 1998). Plaintiffs have

failed to do so here.

Moreover, despite Plaintiffs' claims to the contrary, the docket shows that Defendants DCS, Ltd. and Detroit Cold Rolling Co., L.C., have answered Plaintiffs' amended complaint. (Docket No. 3.) The allegations asserted against these Defendants in Plaintiffs' second amended complaint are identical.

For the above stated reasons, Plaintiffs' motion for default judgment is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 6, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 6, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager